

UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bailey et al.

For: REVERSIBLY CROSSLINKED RESIN COMPOSITIONS AND METHODS

Serial No.: 10/799,515

Art Unit: 1713

Confirmation No. 6126

Examiner: Robert D. Harlan

Filing Date: March 12, 2004

DECLARATION OF GARY CESKA

I, Gary Ceska, hereby declare and say that:

1. I am currently employed as a technical advisor by Sartomer Company, an affiliate of the owner of the above-referenced patent application, Sartomer Technology Company, Inc.
2. I was employed for 25 years by Sartomer Company or its predecessors and/or affiliates, retiring one year ago from my position as Vice President, Technology and Director of Research, and was so employed at the time of the filing of the above-referenced patent application and at the time of filing of U.S. Pat. 6,399,672, (Ceska, et al., '672 patent) and am the first-listed co-inventor on the Ceska, et al., '672 patent.
3. I received a B.S. from University of Maryland and a Ph. D. in physical chemistry from the Pennsylvania State University, and have been employed in the field of chemistry and chemical engineering research for more than 30 years.
4. I am familiar with the invention described and claimed in the above-referenced application, including the outstanding Office Action of November 15, 2006 which rejected claims 1-7, 9-14, and 23 as unpatentable under 35 U.S.C. 103 over the Ceska, et al., '672 patent and the amendments to the claims being filed in response to the said Office Action of November 15, 2006.
5. I understand what was disclosed in the Ceska, et al., '672 patent and I disagree with the Examiner's allegation that the Ceska, et al., '672 patent
"does teach a substantially identical resin composition prepared from a substantially identical copolymerization. In fact, the teaches (sic) of

Ceska (sic) are substantially identical to the claimed invention that (sic) the Examiner contends that the missing limitation: a resin composition exhibiting reversible crosslinking behavior is inherent. * *

* The Examiner reasons that if a polymer is prepared by a known process, then the polymer itself and its properties are known as well. The Examiner finds nothing in the disclosure of Ceska that would suggest that the properties of the resin compositions are different from the properties of the claimed resin compositions. Furthermore, it still would have been obvious to one of ordinary skill in the art to arrive at the claimed resin compositions, because it appears that the claimed resin compositions are all within the generic disclosure of Ceska and a person of ordinary skill in the art would have expected all embodiment (sic) of Ceska to have similar properties.”

6. The invention of claims 1 of the above-referenced application requires an “ionically crosslinked resin composition in the form of an adhesive or sealant which exhibits reversible crosslinking behavior prepared by copolymerizing an alpha, beta ethylenically unsaturated monomer with an oil soluble metal salt prepared by reacting (A) a metal compound with (B) an acid functional compound which is a reaction product of (1) an alpha-beta ethylenically unsaturated hydroxy compound and (2) a carboxylic polyacid, anhydride, sulfur oxide, or phosphorus oxide.”
7. I have reviewed all of the Examples set forth in the Ceska, et al., ‘672 patent and I am certain that none of the resin compositions exemplified in the Ceska, et al., ‘672 patent would exhibit reversible crosslinking behavior due to the presence of covalent bonds in each of said resin compositions. For this reason I disagree with the above-referenced reasoning and conclusion of the Examiner.
8. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/Gary Ceska/
Gary Ceska

Date: February 15, 2007